

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FANAYE TURNER,

Plaintiff,

VS.

UNIVERSITY OF WASHINGTON and
BUDDY RATNER,

Defendants.

NO. CV05-1575L

DECLARATION OF MARIE
WESTERMEIER IN SUPPORT OF
DEFENDANTS' COST BILL

**Noted on Motion Calendar:
January 17, 2008**

Marie Westermeier declares as follows:

1. I am one of the attorneys for the Defendants in this matter and have personal knowledge of the matters stated.

2. At the conclusion of plaintiff's case, Defendants had approximately 3 days in which to examine 10 witnesses and to cross examine the plaintiff. Four of the witnesses had to travel considerable distances to testify. The four out-of-town witnesses were: Cyndi Long, Alma Weightman, Rita Jensen and Mike Keller.

3. Our office made hotel reservations for the out-of-town witnesses. In order to fit the witnesses into the available time, the out-of-town witnesses arrived the day before they were scheduled to testify. To allow for the uncertainties of witness scheduling, their hotel rooms were reserved for two nights. Ms. Weightman, Ms. Jensen and Ms. Long all arrived on

1 October 29 to testify on October 30. Ms. Weightman traveled from Boston and could not get
2 a return flight on the same day as her testimony. Ms. Jensen concluded her testimony in the
3 afternoon of October 30th and could not make the 5-hour drive to Winthrop that same evening.
4 Ms. Long changed her flight to permit her to return to Colorado on the same day that she
5 testified. It appears that the bill submitted for Ms. Long's hotel stay included charges for two
6 nights instead of one night. Mr. Keller also required only one night stay. Witness lodging
7 therefore should be taxed at six nights rather than the four nights that plaintiff suggests.
8

9 4. I have searched the Washington hotels that offer rooms at the per diem rate on
10 the General Services Administration website. There are only three hotels in Seattle that offer
11 lodging at the per diem rate to employees of the federal government. None of Defendants'
12 out-of-town witnesses qualified for the federal government employee rate.
13

14 5. Regarding subsistence rates, it is obvious that the out-of-town witnesses are
15 entitled to subsistence costs while they are traveling to testify and should be reimbursed for
16 the costs of meals as permitted by Local Rule 54, which does not require submission of
17 receipts.

18 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
19 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.
20

21 Executed at SEATTLE, Washington, this 15th day of January, 2008.
22

23 /s/ Marie Westermeier
24 Marie Westermeier
25

26 w:\wdclient\1408\00055\mm801721.doc